

PLANNING BOARD MINUTES

November 9, 2011

Town Council Chambers

Board members present:

Jan Eckhart, Chairman Ron Wolanski, Town Planner

Richard Adams, Vice Chairman

Audrey Rearick, Secretary

Betty Jane Owen

Gladys Lavine

Charlene Rose-Cirillo

Pete Marnane

The meeting was called to order at 6:30 pm.

• Approval of the minutes of the October 12, 2011 regular meeting and the October 28, 2011 special meeting.

Motion by Ms. Owen, seconded by Ms. Cirillo, to approve the minutes of the October 12, 2011 regular meeting and the October 28, 2011 special meeting Vote: 6-0-0. Ms. Lavine had yet to arrive.

1. J. Michael Hill, Behan-Hill Properties, LLC, Request for 1-year extension of subdivision approval for a 2-lot subdivision. 268 Tuckerman Ave., Plat 116SE, Lot 109

Mr. Hill requested that the subdivision approval be extended for one year. The dwelling that straddled the proposed property line has been

removed, but due to current market considerations an extension is requested.

Motion by Ms. Rearick, seconded by Ms. Owen, to grant an additional one year extension of the subdivision plan approval. Vote: 6-0-0. Ms. Lavine had yet to arrive.

2. Correspondence –

a. Memo of the Planning Director to the Town Council dated October 31, 2011, re: Proposed Zoning Ordinance Amendments – Watershed Protection District, Section 1102

Mr. Wolanski stated that after discussion with Planning Board members, he had requested that the Town Council refer the matter back to the Planning Board for additional consideration. Current language in the Comprehensive Plan states that Mansfield and Stissing soils should not be developed, and that Watershed Protection District Zone 1 should be maintained. The Comprehensive Plan Update Committee has discussed proposing revisions to this language, recognizing that, depending on the type of development, soils classification is not as much a concern. The zoning amendment could be presented at a later date, once necessary amendments to the Comprehensive Plan are approved. Alternatively, the Board could develop a revised zoning amendment that would be consistent with current Comprehensive Plan language. For example, rather than changing the definition of Zone1 as currently proposed, zoning regulations could be revised to allow for certain types of development in Zone 1 without requiring a special use permit. Perhaps residential development to be served by public sewer would not require a special

use permit.

Mr. Eckhart stated that he would prefer to revise the zoning ordinance amendment, rather than to await completion of the Comprehensive Plan update.

Mr. Adams stated that most recent special use permits issued for Zone 1 are for residential development. Conditions requiring limited use of lawn chemicals are typically applied. Enforcement of such conditions is problematic. Requiring a special use permit for such development is not productive. He questioned what other towns do.

Mr. Wolanski stated that Middletown may be the only town in the state which uses soils classification to define the limits of the watershed protection district.

By consensus the Board requested that Mr. Wolanski research watershed protection regulations in other towns, and develop a draft zoning ordinance amendment, particularly relative to residential development.

3. Public Hearing – Peter Gallipeau, Proposed 14 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 217, 218, 219 Request for Preliminary Plan Approval.

Mr. Eckhart stated that the applicant has requested a continuance, and has submitted a letter agreeing to extension of the timeframe required to make a decision to the December Planning Board meeting.

Motion by Ms. Cirillo, seconded by Ms. Owen, to continue the matter to the December 14, 2011 Planning Board meeting, at 6:30pm. Vote: 6-0-0. Ms. Lavine had yet to arrive.

4. Consideration of potential Zoning Ordinance amendments for recommendation to the Town Council, including amendments to sections 1202, 1208, 1209, 1210, 1211, 1212, 1213.

Mr. Wolanski stated that since the October Planning Board meeting the draft amendments to the sign ordinance have been revised based on input from the Zoning Official and the Town Solicitor's office. Specifically, regarding temporary signs, the draft states that approved seasonal signs and temporary signs (30-day limit) shall not be installed during the same time period. Total time allotted for use of temporary and seasonal signs shall not exceed seven months. These provisions are intended to limit sign clutter.

There was discussion of the proposed amendment that would allow for off-site special event signs.

Mr. Wolanski confirmed that this provision would allow, on a limited basis, the use of signs to help direct the public to special events in town. Such signs are often seen now around town but are prohibited by the Zoning Ordinance. He reviewed the proposed size, time, and placement limitations.

Following discussion, the consensus of the Board was that the amendments should proceed as drafted.

Mr. Wolanski stated that a concern has been raised recently about the use of product logos on business signs. He asked if the Board has concerns about such signs.

Board members stated that the use of such signs is not prevalent in Middletown, but requested that Mr. Wolanski discuss the possibility of prohibiting such signs with the Town Solicitor's office.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to the December 14, 2011 Planning Board meeting. Vote: 7-0-0.

5. Update on Comprehensive Community Plan 5-year update process.

Mr. Adams stated that the Comp Plan Update committee will meet again at the end of the month.

6. Update on activities of the Aquidneck Island Planning Commission.

Mr. Adams discussed the recent activities of the AIPC, including a recent breakfast meeting with the Town/City managers and planners. The group discussed ongoing and potential new AIPC initiatives. Mr. Adams also stated that the AIPC is proposing hosting an energy clearinghouse for the county.

7. Update on activities of the Aquidneck Island Reuse Planning Authority.

Mr. Adams stated that the reuse plan submitted to the Navy and HUD has received HUD approval. Work towards establishing an implementing local redevelopment authority (LRA) is underway.

8. Karmik, LLC, Request for 1-year extension of subdivision approval for a six-lot subdivision. Aquidneck Ave., Plat 120, Lot 46.

There was no one present to represent the applicant.

Motion by Ms. Rearick, seconded by Ms. Cirillo, to grant a one-year extension of the subdivision approval. Vote: 7-0-0.

9. Mason Hawes, Request for conceptual review of a proposed 2-lot minor subdivision, 431 Reservoir Rd., Plat 121, Lot 13.

Mr. Hawes described the proposed subdivision of his property. He

acknowledged concerns identified in Mr. Wolanski's memo to the board, including lot area, and road and bridge conditions. He stated that there is ongoing discussion involving himself, the town and the City of Newport regarding responsibility for improving the bridge. Currently the town's fire and rescue vehicles are not permitted to cross the bridge. Mr. Hawes also stated that he is investigating alternatives to connect the subject property to public sewer, perhaps via an easement across abutting property.

Mr. Eckhart stated that he would not be concerned by the lot area issue created by the presence to wetlands on the proposed lot containing the existing dwelling, provided that the necessary zoning relief is granted. The proposed new development lot would contain the minimum amount of upland area. The condition of the road and bridge is a bigger concern. The issue of a potential waiver for the construction standards for the proposed road has been discussed in the past. At that time the consensus was that a waiver would be considered provided that adequate access as determined by the Fire Department is provided.

Mr. Adams stated that his primary concern would be for stormwater runoff and potential impact on the Maidford River. It appears that the impacts from development of a single new dwelling would be minimal.

Mr. Wolanski confirmed that the proposed new development lot is not in the floodplain and would accommodate development outside of Watershed Protection District Zone 1.

Mr. Marnane stated that, in his opinion, the development could

proceed subject to resolution of the zoning relief and road and bridge issues.

Mr. Wolanski stated that it appears that the consensus of the Board is that the applicant could proceed to submit a preliminary plan application. Approval, if granted, but would be conditional upon seeking zoning relief for the lot with less than the required upland area. Mr. Wolanski also stated that the applicant would have to resolve the questions of the proposed bridge improvements and responsibility, and the appropriate road improvements that will be proposed to meet access requirements. He recommended that the applicant resolve these issues before proceeding with the formal subdivision application.

Motion by Ms. Owen, seconded by Ms. Cirillo to adjourn. Vote: 7-0-0

The meeting adjourned at 7:45 pm

Respectfully submitted:

Ronald M. Wolanski

Town Planner